

USSN: 10/011,654

-9-

CAD 0156 PUS

REMARKS

In the action, the Examiner indicated that claims 1-5 were withdrawn from further consideration as being drawn to a non-elected invention. As a result, claims 1-5 had been cancelled from the case by this Amendment, subject to being refilled as part of a divisional application.

Claims 6-8 and 15 were objected to due to various informalities. By this Amendment, all of the informalities noted by the Examiner have been taken care of by changes to the claims, except for one. It is not believed that "are" should be changed to "is" in claim 12.

In the Action, claims 9-11 were rejected under 35 USC §112, second paragraph, as being indefinite. By this Amendment, both of these claims have been amended to put them in better form and it is now believed that the §112 rejection has been overcome and should be withdrawn.

On the merits, claims 6-12 and 15 were rejected under 35 USC §103(a) as being obvious and thus unpatentable over the prior art admission in the application when combined with the Singer et al. patent (U.S. No. 5,100,683). In addition, claims 6-12 and 15 were rejected under the judicially created doctrine of obviousness-type double-patenting over claims 1-7 of U.S. Patent No. 6,365,203, and claims 13-14 were rejected under 35 USC §101 as claiming the same invention as claims 1 and 5 of the U.S. '203 patent. In this regard, by this Amendment, all of the independent claims submitted with this case, namely claims 6, 13, 14, and 15 have been amended and it is submitted that the claims as amended patentably distinguish over the Examiner's combination of references and also obviate any double-patenting rejections based on the U.S. '203 patent.

In the independent claims, claims 6 and 15 relate to methods for continuously coating cores of gum material utilizing a single rotating drum member, while claims 13 and 14 relate to process for continuously coating gum materials utilizing a pair of drum members. In all of the methods or processes, however, coated pieces of gum material are produced which have thick, smooth candy shells to provide the "crunchiness" preferred by consumers. These shells have a thickness in the range of 0.1-0.5 mm which also

USSN: 10/011,654

-10-

CAD 0156 PUS

comprises 20-40% by weight of the final gum products. With the present invention, coated gum materials with smooth, thick shells can be produced which are comparable to coatings formed by the earlier batch-type coating processes and in a much faster manner. In particular, as stated in the specification, the present invention can produce substantially the same coated products in about one-half the time. In contrast, in the Singer, et al. '683 patent, the process described therein merely produces a food product with a thin spray-on coating and does not teach the applicant's inventive method, nor recognize the problem solved by the applicant. As a result, it is believed that the present invention as defined by all of the independent claims patentably distinguishes over the cited references.

In addition, new claims 16-19 have been added, all of which are dependent claims and allowable for the same reasons as the independent claims from which they depend. In particular, claims 16-19 provide a preferred range of weight of the shell members on the coated cores of gum material.

Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim limitations. Since the prior art admission in the application and Singer et al. alone or in combination fail to teach or suggest each and every element of claims 6-19, claims 6-19 are also novel, nonobvious, and is in a condition for allowance.

Finally, the Examiner objected to the disclosure because the status of the parent application was not provided. In this regard, by this Amendment, the specification has been amended to update the status of the parent application. The parent application issued on April 2, 2002, as U.S. Patent No. 6,365,203.

USSN: 10/011,654

-11-

CAD 0156 PUS

In view of the foregoing, it is submitted that all of the claims remaining in the case, namely claims 6-19, are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,

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